

REMARKS

I. Status of the Application

Claims 29-38 stand rejected under 35 U.S.C. § 112, first paragraph, on the grounds that they contain subject matter not described in the specification. The specification is objected to under 35 U.S.C. § 132 on the grounds that it introduces new matter.

Applicant recognizes that the claim rejections under 35 U.S.C. §§ 102, 103 made in the Office Action mailed on October 22, 2003 have been withdrawn, and thanks the Examiner for the same.

Applicant respectfully requests reconsideration of this application in view of the following remarks, and allowance of claims 29-38.

II. Claims 29-38 Do Not Introduce New Matter

The amendment filed on January 22, 2004 has been objected to under 35 U.S.C. § 132 on the grounds that the amendments to Claims 29 and 34 introduced new matter. Specifically, the Office Action states that the recitation "...wherein at least one of the plurality of cathode current collectors and the plurality of anode current collectors comprises flat wires" in Claims 29 and 34 is new matter. This rejection is respectfully traversed.

In support of the rejection, the Office Action asserts in paragraph 10 that "[a]s shown in Figure 3, flat wires are used in both the anode assembly and the cathode assembly....The recitation 'at least one of the plurality of cathode current collectors and the plurality of anode current collectors comprises flat wires' in claims 29 and 34 is not supported by the disclosure."

Applicant respectfully points out that the specification clearly supports the claim language in question. Initially, FIG. 1 illustrates a single current collector formed of a plurality of flat wires,

which is described in detail at page 8, line 23 through page 9, line 6. Applicant notes that FIG. 1 illustrates a single current collector/electrode sub-assembly labeled 1. This sub-assembly is not denoted as having a cathode current collector or an anode current collector. Rather, it is generic to both types. The embodiment illustrated in FIG. 3, on the other hand, and as noted by the Examiner, includes both an anode current collector and a cathode current collector. The respective current collector/anode electrode sub-assembly is labeled 1A, while the current collector/cathode electrode sub-assembly is labeled 1B.

The Brief Summary of the Invention, at pages 6-7 is replete with references to a single current collector formed of flat wires. Specifically, the specification recites as objects of the invention: “to provide a plurality of flat wires to act as **the current collector...**”(page 6, lines 30-31); and “to provide **a current collector** for a fuel cell” (page 7, lines 1, 3, 5, 7, 9). Additionally the Brief Summary recites that a “preferred embodiment of the invention utilizes a plurality of parallel flat wires slit continuously from sheet metal and bonded to the face of an electrode on the side facing the respective flow field of the separator” (page 7 lines 13-15), thus referring to a single current collector.

Additionally, the Abstract of the present application specifically describes a single current collector comprised of a plurality of flat wires. Specifically, the Abstract recites on lines 1-3 that “[a] fuel cell is fitted with **a current collector** situated between a ribbed separator and an electrode. The current collector is **comprised of a plurality of flat wires** which span the peaks of the ribs of the separator...”

Each of these instances, namely, FIG. 1, the listed objects of the invention, the recited preferred embodiment, and the Abstract, refers to a single current collector, which naturally could be either a cathode current collector or an anode current collector.

The Examiner's comment that FIG. 3 illustrates flat wires used in both the anode assembly and the cathode assembly is correct. However, applicant respectfully points out that FIG. 3 is merely an illustration of one preferred embodiment and, as noted above, another preferred embodiment having a single current collector is illustrated in FIG. 1. Thus, the language introduced into claims 29 and 34 by way of amendment is simply another preferred embodiment, which is supported by the original specification as noted above and which is not new matter.

With respect to the Examiner's statement at paragraph 10 of the Office Action that "[i]t is unclear what the size and shape would be for the anode current collector if, for example, only the cathode current collector in the assembly is composed of flat wires," Applicant respectfully submits that it is clear to one skilled in the art. The prior art is replete with other types of current collectors, and one need only to look to the previous Office Action to see what the size and shape of such a current collector could be. For example, one skilled in the art could use the mesh of Jaffrey as a current collector.

Thus, it is clear to one skilled in the art that the original specification discloses that either an anode current collector or a cathode current collector, or both, could comprise flat wires, and that the amendments to claims 29 and 34 did not introduce new matter. Accordingly, the rejection is improper and should be withdrawn.

III. Claims 29- 38 Are Adequately Described

Claims 29-38 stand rejected under 35 U.S.C. § 112, first paragraph, on the grounds that they contain subject matter not described in the specification. Specifically, the Office Action states that the recitation "... wherein at least one of the plurality of cathode current collectors and the plurality of anode current collectors comprises flat wires" in claims 29 and 34 is not supported in the

specification. Further, the Office Action states that "[i]f applicant believes said recitation is fully defined, it is requested that applicant indicates column and line, and/or figure with number, in the disclosure." This rejection is respectfully traversed.

As noted in detail above, there are numerous points in the specification where the claim language in question is described. Specifically, in the Brief Summary at page 6, lines 30-31; page 7, lines 1, 3, 5, 7, 9, and 13-15; FIG. 1 and its accompanying description at page 8, line 23 through page 9, line 6; and in the Abstract at lines 1-3. Additionally, FIG. 1 illustrates a single current collector formed of a plurality of flat wires.

Consequently, it is abundantly clear that the subject matter of claims 29-28 is sufficiently described in the specification. Accordingly, the rejection is improper and should be withdrawn.

IV. Conclusion

In view of the foregoing remarks, pending claims 29-38 are believed to be allowable, and an indication to that effect from the Examiner is respectfully requested at this time. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-referenced application, the Examiner is urged to call the undersigned at the number below.

Please apply any required charges or credits to our Deposit Account No. 19-0733.

Respectfully submitted,

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